

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH LEE TAYLOR,

Plaintiff,

v.

ADAMS, et al.,

Defendants.

No. 2:21-cv-00831-DJC-EFB (PC)

ORDER

Plaintiff is a recently-released state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Currently before the court is defendants' motion to compel. ECF No. 72. Specifically, defendants move to compel plaintiff to answer questions he refused to answer at his deposition, and to compel plaintiff to produce documents he agreed to produce in response to defendants' requests for production. *Id.*

I. Background and Analysis

This case was filed in 2021 (ECF No. 1) and defendants' motion to compel was filed on December 20, 2024. ECF No. 72. Upon plaintiff's motion for an extension of time (ECF No. 73), this court ordered plaintiff to respond to defendants' motion by March 21, 2025. ECF No. 76. The court also ordered defense counsel to inquire with the litigation coordinator at CHCF regarding the status of plaintiff's boxes of legal property and file a declaration informing the court whether the boxes had been located and provided to plaintiff. *Id.* On February 11, 2025, defense counsel filed a status report confirming that plaintiff's legal property had been sent to him, and

1 that plaintiff had confirmed receipt of the property. ECF No. 78.

2 Plaintiff filed a purported opposition to defendants' motion to compel on January 2, 2025.
3 ECF No. 74. This document, however, was not a substantive opposition but rather a request for
4 further time to respond to the motion to compel. *Id.* Plaintiff has not filed a substantive
5 opposition to defendants' motion to compel, despite the due date of March 21, 2025 (ECF No. 76)
6 and despite confirmation that plaintiff had received his legal materials well before that due date.
7 ECF No. 78. Indeed, plaintiff has not filed anything with this court since February 4, 2025, when
8 he filed a notice of change of address. At this juncture, defendants' motion to compel has been
9 pending on the docket for over four months, and it is more than a month since the extended date
10 for plaintiff to respond to the motion to compel has passed.

11 Plaintiff's request for further extension is DENIED, and plaintiff is hereby ORDERED to
12 file a substantive response to defendants' motion to compel within 14 days of service of this
13 order. Failure of plaintiff to file a written opposition or to file a statement of no opposition may
14 be deemed a waiver of any opposition to the granting of defendants' motion. Local Rule 230(l).
15 Furthermore, plaintiff is cautioned that failure to comply "may be grounds for imposition of any
16 and all sanctions authorized by statute or Rule or within inherent power of the Court." Local
17 Rule 110.

18 II. Order

19 For the foregoing reasons, it is ORDERED that plaintiff file either an opposition or a
20 notice of non-opposition to defendants' motion to compel within seven days of the date of this
21 order. No further requests for extension will be entertained, and failure to comply with this order
22 may result in sanctions, up to and including dismissal of this action pursuant to Federal Rule of
23 Civil Procedure 41(b).

24
25 Dated: May 12, 2025


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE